

COASTAL CONSERVANCY

Staff Recommendation

May 27, 2004

TIDEWATER PARK IMPROVEMENTS

File No. 03-105

Project Manager: Amy Hutzell

RECOMMENDED ACTION: Authorization for the Association of Bay Area Governments to disburse up to \$186,381 of previously authorized Conservancy funds, and authorization to disburse up to an additional \$250,880 of Conservancy funds to the East Bay Regional Park District for public access and recreation improvements at Tidewater Park in the Martin Luther King, Jr. Regional Shoreline.

LOCATION: Tidewater Park is part of the Martin Luther King, Jr. Regional Shoreline on the Oakland waterfront, in Alameda County (Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Location Maps

Exhibit 2: Conceptual Design

Exhibit 3: Aerial Photograph

Exhibit 4: Resolution

Exhibit 5: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (“ABAG”) to disburse an amount not to exceed one hundred eighty-six thousand three hundred eighty-one dollars (\$186,381) of the total Conservancy funds authorized on December 7, 2000 to ABAG for San Francisco Bay Trail projects, to East Bay Regional Park District (“EBRPD”) to construct the San Francisco Bay Trail portion of public access improvements at Tidewater Park.

The Conservancy further authorizes disbursement of an amount not to exceed two hundred fifty thousand eight hundred eighty dollars (\$250,880) to the EBRPD for implementation of public access and recreation improvements at Tidewater Park.

These authorizations are subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy (“Executive Officer”) has reviewed and approved in writing a final work program, including a budget and schedule; a sign plan acknowledging Conservancy and Proposition 12 funding; and any contractors to be employed in the project.
2. Prior to initiating construction, EBRPD shall provide written evidence to the Executive Officer that all permits and approvals necessary to the implementation and completion of the project under applicable local, state and federal laws and regulations have been obtained.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the policies of Chapter 4.5 of the Public Resources Code (Sections 31160-31163) regarding the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

PROJECT SUMMARY:

This authorization would enable the East Bay Regional Park District (EBRPD) to construct public access and recreation improvements at Tidewater Park in the Martin Luther King, Jr. Regional Shoreline (MLK Shoreline). Access and recreation improvements at Tidewater Park are a high priority for EBRPD and the Conservancy. The project will complete a portion of the San Francisco Bay Trail along the Oakland waterfront and provide recreational opportunities for an underserved urban population. There are spectacular views from Tidewater Park of San Leandro Bay and the Alameda waterfront, and Tidewater Park is an important shoreline access point and piece of open space along the waterfront.

Improvements at Tidewater Park will include completion of 0.4 mile of multi-use Bay Trail, restrooms, 1.4 acres of turf with trees and irrigation, picnic areas, pathways, replacement of the access road, the addition of utilities under the access road, and a parking lot for 65 cars. Additional improvements to Tidewater Park may be constructed in the future by EBRPD, including additional turf, trees, irrigation, picnic areas, parking, and pathways, but these are not part of the current project. Exhibit 2 shows the design for the specific improvements to be constructed in 2004.

The ultimate goal of EBRPD, the City of Oakland, ABAG’s San Francisco Bay Trail Project, and many others, is to complete the Bay Trail along this entire stretch of the Oakland waterfront, connecting Jack London Square to the MLK Shoreline, with improved open spaces for recreation along the trail. Tidewater is an important component of the Bay Trail on the Oakland waterfront, representing the eastern opening to San Leandro Bay, and providing access from the Oakland city street network at Tidewater Avenue to the entire MLK Shoreline. EBRPD recently constructed a bridge over Damon Slough, closing the gap to the south between Tidewater Park and the rest of the MLK Shoreline. The City of Oakland and local sports groups are interested in expanding sports field use on the properties to the south of Tidewater. To the north of Tidewater Park, EBRPD, with the support of many stakeholders, is attempting to complete the Bay Trail to

High Street, and Oakland Strokes, a nonprofit rowing club, would like to establish a rowing facility on the EBRPD land north of the project area. EBRPD and Oakland Strokes are working cooperatively on fundraising for the rowing facility, which would have boat storage, rentals to the public, and a boat dock. Oakland Strokes is contributing to the entry road and parking lot as part of this project.

EBRPD is ready to construct the access improvements at Tidewater Park this year and has significant matching funds. If authorized, the San Francisco Bay Trail portion of the project will be constructed using Conservancy funds previously authorized to ABAG for its San Francisco Bay Trail Project. The authorization of additional Conservancy funds will allow for the construction of the remaining public amenities, including the entry road and utilities, landscaping, picnic areas, and parking lot. Several others funding sources are being used to construct the public access improvements at Tidewater Park (see the “Project Financing” section below).

EBRPD manages over 95,000 acres of parkland in Alameda and Contra Costa Counties for outdoor recreation, wildlife habitat, and nature education. EBRPD was established in 1934 and its mission is to acquire, develop, manage, and maintain a high quality, diverse system of interconnected parklands which balances public usage and education programs with protection and preservation of natural and cultural resources. The Conservancy has previously worked with EBRPD on numerous acquisition, development, and public access projects, and Conservancy staff have high confidence in EBRPD’s ability to construct this project and maintain the improvements.

Site Description and Project History: Tidewater Park is at the northern end of the 1,220-acre MLK Shoreline, which is located near the Oakland International Airport. EBRPD leases most of MLK Shoreline from the Port of Oakland, protecting the remainder of a once-extensive marshland at San Leandro Bay and managing the site for public access and recreation. Facilities located throughout the MLK Shoreline include Bay Trail segments, picnic areas, a boat launch ramp and restrooms, turfgrass playing fields, an observation platform with a wheelchair access ramp and restrooms, and a children's play area. These facilities are primarily located in the southern portion of the park closest to the Oakland Airport (see Exhibit 1). Recently, EBRPD completed the Damon Slough Bridge project, which has closed a significant gap in the Bay Trail and connected Tidewater Park to the rest of the MLK Shoreline to the south.

EBRPD owns the Tidewater property at the far north end of the MLK Shoreline, in a mixed industrial and commercial portion of the Oakland Waterfront south of High Street. Historically the site consisted of tidal wetlands. After the dredging of the channel that converted the city of Alameda from a peninsula to an island in the early 1900s, the tidal wetlands at Tidewater Park and the surrounding area were filled and used as part of the industrial waterfront. The Tidewater property was listed as an acquisition goal in EBRPD’s 1973 Master Plan, as part of an effort to protect the San Leandro Bay Shoreline from development. EBRPD purchased 8.9 acres from East Shore Lumber and Mill and 8.8 acres from Navajo Properties in 1980 and later sold 5.6 acres of the Navajo Properties acquisition to the Port of Oakland, leaving EBRPD with 12.1 acres. In 1982, EBRPD purchased an additional 1.6 acres from Navajo Properties, creating a total of 13.7 acres at Tidewater Park. The MLK Shoreline was the subject of a master planning process by EBRPD in 1977. The Tidewater properties were under an option to purchase at that time and the planned land use was treated in a programmatic fashion, anticipating shoreline access, tree planting, and other restorative landscaping.

EBRPD has been temporarily leasing most of the Tidewater Park site to Flexi-Van, a cargo and chassis container storage company, except for a 20-foot strip of shoreline and the open space that will be improved as part of this project. An unpaved trail wraps around the shoreline and has been formed by informal use of the site by hikers, bikers, and joggers, indicating a strong need for the trail improvements. EBRPD will continue to lease the remaining portion of the Tidewater property to Flexi-Van until EBRPD is prepared for future phases of park improvements.

This project came to the attention of Conservancy staff in April of 2003, when EBRPD staff applied for a grant for Tidewater Park. Staff ranked this project as a high priority due to the Bay Trail component, benefits to underserved urban populations, and EBRPD's ability to successfully complete the project. At their November 14, 2003 meeting, the San Francisco Bay Trail steering committee approved the use of ABAG's San Francisco Bay Trail funds granted from the Conservancy on December 7, 2000, for the Bay Trail construction at Tidewater Park.

In April of 2001, the Conservancy authorized funding for the Oakland Waterfront Pathway Study by the City of Oakland. This study is nearing completion and describes the feasibility and cost of a continuous pathway along the Oakland waterfront and public recreation improvements at the shoreline parks and open spaces along the pathway, and makes recommendations for the completion of the Bay Trail from the MLK Shoreline to Jack London Square.

PROJECT FINANCING:

Coastal Conservancy	\$ 250,880
ABAG's San Francisco Bay Trail Project	186,381
<i>from previous Conservancy authorization</i>	
East Bay Regional Park District	44,800
Proposition 12, Roberti-Z'berg-Harris Funds	170,927
Land and Water Conservation Fund	183,312
Oakland Strokes	<u>293,466</u>
Total Project Cost	\$1,129,766

The Conservancy's additional contribution of \$250,880 is expected to come from the Conservancy's FY 02/03 appropriation from the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002" (Proposition 40) appropriation for the San Francisco Bay Area Conservancy Program.

If approved by the Conservancy, \$186,381 of funds previously authorized to ABAG for the San Francisco Bay Trail Project would be used for the Tidewater Project. The ABAG funds will come from the \$7,412,500 authorized by the Conservancy on December 7, 2000. That authorization required that the Conservancy approve each specific project before it can be implemented. At its November 14, 2003 meeting, ABAG's San Francisco Bay Trail Steering Committee, made up of staff representatives from the Conservancy, California Department of Fish and Game, the San Francisco Bay Conservation and Development Commission, and other agencies and organizations, endorsed the use of \$186,381 for Tidewater Park of the funds previously authorized by the Conservancy for ABAG's San Francisco Bay Trail Project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is consistent with Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31164, regarding the San Francisco Bay Area Conservancy Program, as follows:

Under § 31162(a), the Conservancy may undertake projects and award grants "[t]o improve public access to and around the bay . . . through completion and operation of regional bay, coast, and ridge trail systems, and local trails connecting to population centers and public facilities, which are part of a regional trail system and are consistent with locally and regionally adopted master plans and general plans. . . ." The Tidewater Park project will connect Oakland communities to the Oakland waterfront, will help complete a segment of the San Francisco Bay Trail.

Under § 31162(c), the Conservancy may "assist in the implementation of . . . the San Francisco Bay Plan, and the adopted plans of local government and special districts." This project is consistent with the San Francisco Bay Plan (see section on Consistency with the San Francisco Bay Plan), with the Land Use and Transportation Element and the Open Space Conservation and Recreation Element of the City of Oakland's General Plan, with the Bay Trail Plan, the Oakland Estuary Policy Plan, and the City of Oakland's Bicycle Master Plan.

Under § 31162(d), the Conservancy may undertake projects which "promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes." This project is consistent with this provision because it will improve open space for recreation at Tidewater Park and improve accessibility to Oakland's waterfront for the urban residents of the East Bay.

Conservancy staff utilized the criteria in § 31163(c) to determine that Tidewater Park is a priority for the Bay Area Conservancy Program. Specifically, Tidewater Park is 1) consistent with adopted local and regional plans, including the San Francisco Bay Plan, the Oakland Estuary Policy Plan, and the Bay Trail Plan; 2) will serve a regional constituency who use the Bay Trail; 3) can be implemented in the summer of 2004; 4) provides opportunities for access and recreational opportunities that could be lost if the project is not quickly implemented this year; and 5) includes significant matching funds from other sources (see the "Project Financing" section above).

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11 Objective A**, the proposed project would help the Conservancy implement a project that increases the amount of land accessible to the public and provide trails, picnic areas, and parking lots.

Consistent with **Goal 11 Objective B**, the proposed project would help the Conservancy complete 0.4 miles of the San Francisco Bay Trail.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by Assemblymember Wilma Chan, State Senator Don Perata, the City of Oakland, San Francisco Bay Conservation and Development Commission, and ABAG's San Francisco Bay Trail Project. See letters of support in Exhibit 5.
4. **Location:** Tidewater Park is located in the nine-county San Francisco Bay Area, in Alameda County.
5. **Need:** The Conservancy funding fills the final gap in the budget, allowing the project to be constructed in 2004.
6. **Greater-than-local interest:** The Oakland waterfront and the Bay Trail are recreational resources for the entire Bay Area and serve a greater-than-local population, while providing Oakland residents with a new recreational resource.

Additional Criteria

7. **Urgency:** EBRPD plans to construct this project in 2004 and has the majority of funding secured. Conservancy funds and previously authorized Conservancy funds for ABAG's San Francisco Bay Trail project will fill the final gap and allow for construction to begin soon. The property has languished for decades and there is an urgency to provide the access and recreation at Tidewater Park.
8. **Resolution of more than one issue:** The project completes a portion of the San Francisco Bay Trail and provides for recreational benefits on the Oakland Waterfront for an urban, underserved population.
9. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** EBRPD is prepared to construct this project in 2004 and has secured the majority of funding. The project is ready-to-go.
13. **Realization of prior Conservancy goals:** "See "Project History" above."
15. **Cooperation:** The project is a cooperative effort between EBRPD, ABAG's San Francisco Bay Trail Project, and the Coastal Conservancy, along with other funders and the City of Oakland.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

This project promotes public access opportunities along the San Francisco Bay shoreline in Oakland, and is consistent with the following Policies Concerning Public Access to the Bay, in Part IV of the San Francisco Bay Conservation and Development Commission's San Francisco Bay Plan (2003):

Policies

8. Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat.
10. Federal, state, regional, and local jurisdictions, special districts, and the Commission should cooperate to provide appropriately sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems (such as the San Francisco Bay Trail) and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources. State, regional, and local agencies that approve projects should assure that provisions for public access to and along the shoreline are included as conditions of approval and that the access is consistent with the Commission's requirements and guidelines.

EBRPD will apply for a permit from the San Francisco Bay Conservation and Development Commission and provide a copy of the permit to the Conservancy prior to construction.

COMPLIANCE WITH CEQA:

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). The San Francisco Bay Trail segment, turf, trees, pathways, irrigation, and picnic facilities are categorically exempt under 14 Cal. Code of Regulations Section 15304. That provision exempts minor alterations to land, water, or vegetation which do not involve removal of healthy, mature, scenic trees. The road replacement is categorically exempt under § 15301, which exempts, among other activities, operation, repair, maintenance, permitting, and minor alteration of existing public or private structures, and facilities, including the including existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. The utilities and restrooms are exempt under § 15303, which exempts construction of limited numbers of new, small facilities or structures, including water main, sewage, electrical, gas, and other utility extensions, including street improvements. The parking lot, including signs, is categorically exempt under § 15311, as a minor structure accessory to an existing facility.

Staff will file a Notice of Exemption upon Conservancy approval of this project.